

Application No.: 10/619,773

Docket No.: 60680-1802

**REMARKS**

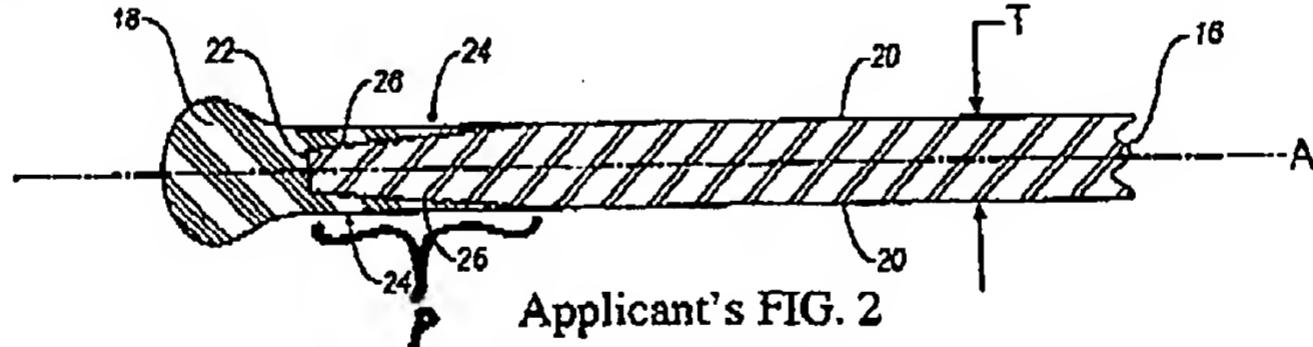
Applicant has carefully reviewed the Office Action mailed October 6, 2004, and thanks Examiner Pickard for her detailed review of the pending claims. In response to the Office Action, Applicant has added new claim 12. By way of this amendment, no new matter has been added. Accordingly, claims 1-12 remain pending in this application. Applicant respectfully requests reconsideration of the present application in view of the following remarks.

**Claim Rejections – 35 USC § 102**

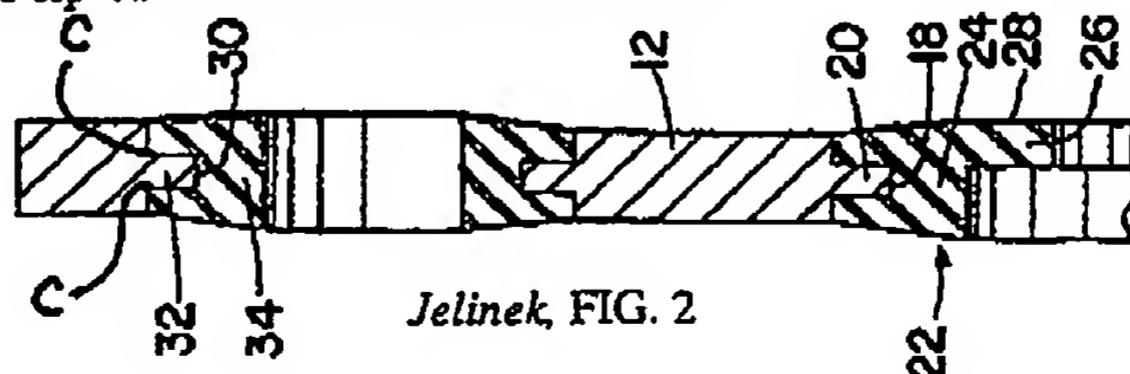
Claims 1, 3, 4, and 6-10 are rejected under U.S.C. 102(b) as being anticipated by *Jelinek* (4,300,773). Applicant respectfully traverses the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant notes that independent claim 1 positively recites "one or more coined angles formed at said edge of said base sheet," and claim 10 positively recites "forming one or more coined angles at an edge of a base sheet" (emphases added). The angles are illustrated below:



In contrast, *Jelinek* includes a coined lip 20, 32 that is not an angle as defined by Applicant. The coined lip of *Jelinek* is illustrated below:



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Indeed, Applicant submits that *Jelinek* does not teach every element of independent claims and that one skilled in the art would recognize that base sheet 16 will not structurally support the lip of *Jelinek*, since the abrupt changes in surface of the lip would create stress locations for cracks to form, thereby resulting in premature failure of the lip. This is especially true for thinner base sheets, as positively recited in Claim 5 (see below). That is, when attempting to coin the lip of *Jelinek* onto the base sheet 16, the flow of metal normal to the direction of the coining force would result in undesirable separation of material or thinning of the lip.

A greater amount of material must flow to coin the lip of *Jelinek* than to coin an angle as defined by Applicant. As this greater amount of material flows away from what will be the interior corners (illustrated as C in *Jelinek*, FIG. 2), the remaining material between the interior corners C is embrittled as the plastic flow of metal decreases ductility. Working metal in compression also induces tensile strain. In contrast, the coined angles (illustrated as 24 in Applicant's FIG. 2) of independent claims 1 and 10 do not require that metal be squeezed to form undesirable interior corners C, but rather are defined by a gradual reduction in thickness toward the edge of the base sheet. Therefore, the inventor has discovered that the angle, as positively recited in claims 1 and 10, offers an increased surface for adhesion of the elastomeric material without creating a weakened area within the connection between the base sheet 16 and the angled portion of base sheet 16 (illustrated as P in Applicant's FIG. 2).

Additionally, one skilled in the art would recognize that the flow of elastomeric material and subsequent adhesion of the elastomeric material onto the interior corners between lip 20 and backing plate 12 of *Jelinek* may exhibit regions of decreased bonding strength due to contamination in the corners from the coining process, or surface tension of the flowing material that prevents a full contact between the elastomeric material and the interior corners before curing. In contrast, the angles of claims 1 and 10 would not exhibit these difficulties of achieving full contact between the elastomeric material and the base sheet 16 since no abrupt interior corner is present, thereby providing a more repeatable process and increased bonding strength.

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Dependent Claims 3, 4, and 6-9 are independently patentable by virtue of depending an allowable base claim. For at least these reasons, applicant respectfully requests withdrawal of this rejection.

**Claim Rejections – 35 USC § 103**

MPEP Section 2143 sets forth the basic requirements for the Patent and Trademark Office to establish *prima facia* obviousness as follows: “To establish a *prima facia* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations.

Applicants note that the remarks presented above with respect to the lack of teaching of an angle are equally applicable to these rejections.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Jelinek*. Applicant respectfully traverses the rejection.

Applicant submits that one skilled in the art would recognize that the lip 20 of *Jelinek* could not be coined reliably onto a base sheet that “has a thickness of approximately 1.0 mm,” as positively recited in claim 5. While the Examiner has asserted that a thickness of about 1 mm is a design choice, Applicant submits that thinner base sheets are less favorable to the lip of *Jelinek*, and that a base sheet of about 1 mm in thickness is unworkable with the lip of *Jelinek*. Specifically, the tooling required to produce the lip of *Jelinek* on a base sheet of about 1 mm would wear faster than the tooling required to produce coined angles as recited in claim 1. Whether worn or not, the tooling of *Jelinek* would have difficulty centering the lip on a 1 mm base sheet, resulting in a lip that may approach the generally planar surfaces 20 of base sheet 16. The subsequent deposition of elastomeric material on the lip would result in undesirably thinned areas of elastomeric material, which would not increase bonding between the elastomeric material and the base sheet, or no elastomeric material on one edge of the lip. Thus, the deficiency of *Jelinek* is solved by coining angles on the base sheet, as taught in dependent claim 5 through its dependency on independent claim 1.

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Additionally, Applicant notes that the claimed process in *In re Aller* (cited by Examiner), was identical to the prior art. 105 USPQ 233, 234 (CCPA 1955). In contrast, claim 5 depends from independent claim 1, which, as noted above, recites "one or more coined angles," which is not taught in *Jelinek*. Therefore, one skilled in the art, with the *Jelinek* reference in hand, would not find it obvious to create angles, as recited in the base claim of claim 5. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jelinek* in view of *Terai* (5,322,299). Applicant respectfully traverses the rejection.

As noted above, Applicant submits that *Jelinek* does not teach coined angles. Similarly, *Terai*, either alone or in combination with *Jelinek*, does not teach coined angles as positively recited in independent claims 1 and 10, from which claims 2 and 11 respectively dependent from. For at least this reason, applicant respectfully requests withdrawal of this rejection.

### Claim 12

New claim 12 has been added and is believed to be patentable over the prior art of record. Specifically, claim 12 positively recites that the coined angles are "defined by a gradual reduction in thickness toward said edge of said base sheet." *Jelinek* teaches away from this gradual reduction in thickness that, as discussed above, reduces any reduction in strength within the area of the base sheet 16 where the elastomeric material is bonded.

### CONCLUSION

In view of the above remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 60680-1802 from which the undersigned is authorized to draw.

Dated: January 06, 2004

Respectfully submitted,

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